

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARTEZ DICKSON,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:04CV639 RWS
)	
JAY NIXON,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by petitioner Martez Dickson. I referred this matter to United States Magistrate Judge Audrey G. Fleissig for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 21, 2007, Judge Fleissig filed her recommendation that petitioner's habeas petition should be denied.

Petitioner did not file any objections to the Report and Recommendation, and his time for doing so has expired. After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Fleissig and will deny petitioner's habeas petition for the reasons stated in the Report and Recommendation dated June 21, 2007.

I have also considered whether to issue a certificate of appealability. To

grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing in this case, I will not issue a certificate of appealability.

Finally, I will also deny petitioner's motion for stay for the reasons stated in Judge Fleissig's Report and Recommendation dated June 21, 2007.

Accordingly,

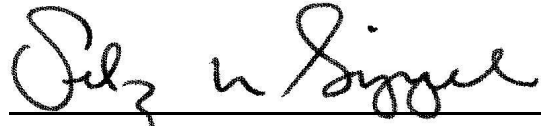
IT IS HEREBY ORDERED that the Report and Recommendation filed on June 21, 2007 [#14] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus [#1] is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for a stay [#13] is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2007.